

REMARKS

A. INTRODUCTION

Claims 139-300 are pending and rejected.

No amendments are being made in this paper.

B. SECTION 103(A) REJECTIONS

All of the rejected claims (Claims 139-300) stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier (U.S. Patent No. 5871398) and further in view of Sullivan (U.S. Patent No. 6663105).

We respectfully traverse the Examiner's Section 103(a) rejections.

With all due respect to the Examiner, we do not understand the basis for the Section 103(a) rejections. In particular, it is difficult to ascertain what teachings of Schneier or Sullivan are being asserted as teaching which limitations of the rejected claims. We respectfully request clarification. In particular, we would greatly appreciate if the Examiner would refer to limitations of individual claims. It is not clear what teachings are being asserted against which claims, and which limitation(s) the Examiner believes is/are not taught by Schneier, for example.

We respectfully request that the Examiner clarify which teachings of which reference teach an *unlock code*, as recited in various rejected claims. The Examiner never explicitly connects any teaching of Schneier or Sullivan to the recited *unlock codes*—we request clarification.

We note that the “validation numbers” for prior scratch off tickets referred to by the Examiner do not appear to suggest an *unlock code*. Schneier indicates that such “validation numbers” are only determined when the latex is removed from a scratch-off ticket. If the “validation number” is only determined at the same time the outcome of the ticket is revealed (i.e., the latex covering them both is scratched off), then the “validation number” as described in Schneier does not reveal or unlock the outcome. The player can reveal the outcome without the “validation number.”

The Examiner asserts: “Schneier does not explicitly disclose that the validation code/message can be given as an reward for a user qualifying action such as a purchase.” [Office Action, page 14]. This appears to be the only statement as to what Schneier does not teach.

Accordingly, we assume that the Examiner is relying on Schneier as teaching all of the other features of every claim. We respectfully disagree. If that understanding is incorrect, we respectfully request that the Examiner clarify which

references are relied upon for which features, which features are not taught by a particular reference, and the motivation to provide for any missing features.

Of record, the only asserted motivations are:

...it would have been obvious...to add Sullivan's validation codes for prizes as an incentive for purchases to Schneier's validation codes and retailer/vendor stores and variety of incentives. One would have been motivated to do this in order to better promote store activity.

Also it would have been obvious...that a variety of activities of retailer/vendor interest can be promoted. One would have been motivated to do this in order to better promote activities of benefit to retailer/vendors.

[Office Action, page 15].

We respectfully submit that these conclusory motivations do not seem to be supported by the references and, regardless, would not have suggested the desirability of modifying Schneier to provide for all of the features of any of the rejected claims. The Examiner's asserted motivations do not suggest any specific combination of features. Recognition of a general motivation (e.g., "better promote activities of benefit to retailer/vendors"; "to better promote store activity") does not necessarily suggest a particular solution to the problem. "Recognition of an unsolved problem does not render the solution obvious." Cardiac Pacemakers, Inc. v. St. Jude Medical, Inc., 381 F.3d 1371, 1377, 72 U.S.P.Q.2D 1333, 1337 (Fed. Cir. 2004) ("Recognition of a need does not render obvious the achievement that meets that need. There is an important distinction between the general motivation to cure an uncured disease (for example, the disease of multiple forms of heart irregularity), and the motivation to create a particular cure.").

Further, we do not understand the asserted combination: "to add Sullivan's validation codes for prizes as an incentive for purchases to Schneier's validation codes and retail/vendor stores and variety of incentives." How would one of only ordinary skill in the art added Sullivan's "validation number" for prizes as an incentive for purchases to Schneier's "validation codes"? We request clarification of the proposed combination of the references. In Schneier, the "validation code" in the prior art scratch-off ticket system is already provided on the printed lottery tickets, covered by latex. What is the motivation to "add" these codes as an incentive for purchases, when, according to Schneier, the "validation code" is already provided on the ticket at the time of sale? Also, the passage of Sullivan cited by the Examiner is confusing. The Sullivan "validation number" in the example actually comprises lottery numbers from a lottery ticket. So the "validation number" of Sullivan in the cited example has nothing to do with the

“validation code” of Schneier also referenced by the Examiner. We respectfully ask that the Examiner note the considerable differences between these teachings despite their common use of the term “validation.”

We respectfully submit that the cited references do not appear to teach or suggest the following features. The Examiner does not explicitly address any of these features or claims. We do not believe that any *prima facie* case of obviousness has been made for these claims:

167. (PREVIOUSLY PRESENTED) The system of claim 166, in which the instructions are further configured to direct the processor to perform a step of: associating an expiration date with said qualifying action.

175. (PREVIOUSLY PRESENTED) The system of claim 174, in which the instructions are further configured to direct the processor to perform a step of: associating an expiration date with said qualifying action.

176. (PREVIOUSLY PRESENTED) The system of claim 174, in which the instructions are further configured to direct the processor to perform a step of: invalidating said qualifying action.

204. (PREVIOUSLY PRESENTED) The system of claim 163, wherein said outcome can be unlocked by at least two unlock codes.

206. (PREVIOUSLY PRESENTED) The system of claim 163, wherein said unlock code can unlock at least two outcomes.

208. (PREVIOUSLY PRESENTED) The system of claim 163, wherein said unlock code is reusable.

218. (PREVIOUSLY PRESENTED) The system of claim 163, wherein said unlock code has an associated expiration date.

221. (PREVIOUSLY PRESENTED) The system of claim 220, wherein said benefit varies in relation to how many of said plurality of users unlock said outcome.

222. (PREVIOUSLY PRESENTED) The system of claim 220, wherein said benefit varies in relation to how many of said plurality of users provide a redemption request associated with said outcome.

223. (PREVIOUSLY PRESENTED) The system of claim 220, wherein said benefit varies in relation to how many of said plurality of users complete a qualifying action associated with said outcome.

224. (PREVIOUSLY PRESENTED) The system of claim 220, wherein said benefit varies in relation to how many of said plurality of users complete a qualifying action associated with said unlock code.

225. (PREVIOUSLY PRESENTED) The system of claim 163, wherein providing said indication of said unlock code includes providing said indication of said unlock code to a plurality of users.

247. (PREVIOUSLY PRESENTED) The system of claim 163, in which the instructions are further configured to direct the processor to perform a step of: invalidating said benefit.

We respectfully submit that the Examiner has not established a prima facie case of obviousness for Claim 291:

291. (PREVIOUSLY PRESENTED) A method comprising:
generating a plurality of locked outcomes;
generating, for each of the plurality of locked outcomes, a respective unlock code capable of unlocking the locked outcome;
transmitting at least one of the plurality of locked outcomes to a device of a user;
transmitting at least one of the plurality of unlock codes to a merchant,

in which the user is not the same as the merchant; and
receiving, from the user, an indication of at least one of the at least one
unlock codes transmitted to the merchant.

In particular, the Examiner asserts: “Schneier further discloses that the merchant can buy tickets.” [Office Action, page 12]. In the cited passage, the lottery retailer clearly buys the tickets, which, as discussed above, include both the unrevealed outcomes and the unrevealed validation numbers. There is no suggestion in the cited references of bifurcating the distribution of locked outcomes and unlock codes. There is no suggestion of an entity transmitting locked outcomes to a device of a user and also transmitting unlock codes to a merchant, and also receiving from a user an indication of an unlock code transmitted to a merchant. Implicit in this claim is that the user must have somehow acquired the unlock code that prior was transmitted to the merchant. We do not believe Schneier or Sullivan, alone or in combination, suggests this particular combination of features.

We respectfully submit that the Examiner has not established a prima facie case of obviousness for Claim 295:

295. (PREVIOUSLY PRESENTED) A method comprising:
purchasing a plurality of unlock codes, each unlock code being associated
with an identifier that identifies a respective lottery outcome;
determining that a user has satisfied a qualifying action that is associated
with a retailer;
receiving, by a device of the retailer from a device of a user, an identifier
that identifies a lottery outcome that is locked;
determining an unlock code of the plurality of purchased unlock codes based
on the received identifier that identifies the lottery outcome that is locked; and
providing the determined unlock code to the user.

In particular, the asserted combination of references does not appear to suggest an entity that would purchase a plurality of unlock codes and would provide an unlock code to a user after receiving from a device of user an identifier that identifies a lottery outcome that is locked. In contrast,

In conclusion, we respectfully submit that we find the Examiner's Office Action confusing and the asserted grounds of rejection and motivations are unclear. Further, it appears that the Examiner did not address many limitations of the dependent claims in particular, and merely asserted a conclusory motivation that any type of activity would be obvious for promoting "activities of benefit to retailer/vendors." We respectfully submit that the Examiner has failed to establish a prima facie case of obviousness of any rejected claim. We request that the Examiner reconsider and withdraw the Section 103(a) rejections of Claims 139-300.

C. ADDITIONAL COMMENTS

Our silence with respect to the Examiner's other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, or the Examiner's interpretation of claimed subject matter, is not to be understood as agreement with the Examiner. As the Examiner has not established an un rebuttable prima facie case of obviousness for any of the pending claims, for the reasons stated in this paper, we need not address the Examiner's other assertions at this time.

D. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

We understand that a three-month extension of time to respond to the Office Action is necessary. Please grant a petition for any extension of time required to make this Response timely.

Charge: \$1020.00

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Please charge any appropriate fees set forth in §§ 1.16 – 1.18 for this paper and for any accompanying papers to Deposit Account 50-0271. Please credit any overpayment to the same account.

E. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

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